4779/05
Presented by Shri Vabhav A. Gorvadkar
dated 15/9/05

SINGLE BENCH

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**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**
**CHHATTISGARH**

**W.P. NO.** 4555 **/2005**

**PETITIONER** : Smt. Asha Agrawal, Aged about 30 years, W/o. Raghunath Mandekar, R/o. Chopda Colony, Q-630, Pipal Line, Vishrampur, District Surguja (C.G.)

**VERSUS**

**RESPONDENTS** :

1] State of Chhattisgarh
Through Secretary, Panchayat and Gramin Vikas Vibhag, D.K.S. Bhawan, Raipur (C.G.)

2] Collector, Ambikapur,
District Surguja (C.G.)

3] Chief Executive Officer,
District Panchayat, Ambikapur, Surguja (C.G.)

4] District Education Officer
Surajpur-Lakhanpur, Distt. Surguja (CG)

5] Chief Executive Officer,
Janpad Panchayat, Lakhanpur, District Surguja (C.G.)

6] Chief Executive Officer,
Janpad Panchayat, Surajpur, District Surguja (C.G.)

7] Principal,
Primary Girls School, Kurua, Janpad Panchayat, Surajpur, Distt. Surguja (CG)

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**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA**

(35)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4555 of 2005

Petitioner — Smt. Asha Agrawal

Versus

Respondents — State of Chhattisgarh & others

**SB**: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

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Mr. Manoj Paranjape, counsel for the petitioner.
Mr. Satish Gupta, Dy. Govt. Advocate for the respondents No. 1, 2, 4 and 7/State.

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ORDER
( Passed on this 1st day of March, 2007)

1. The petitioner, while working as Shiksha Karmi Grade-III in Government Primary Girls School, Kurua, Janpad Panchayat, Soorajpur, District Surguja, was transferred to Janpad Panchayat, Lakhanpur on the same terms and conditions vide impugned transfer order dated 6.8.2005 (Annexure P/6).
2. This Court vide interim order dated 23.9.2005 has stayed the impugned order dated 6.8.2005, till the next date of hearing. By virtue of the interim order, the petitioner has continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.
6. Consequently, M.(W.)P. No. 3694/2005, application for grant of ad-interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge